

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 50, 52-57, 59-61, 63, 64, 66, 67, 69, 72, 73, 75-77, 93, 97, 99 and 101-148 are now pending, wherein claims 1, 59, 63, 64, 66, 67, 69, 72, 73, 75, 77, 93, 97, 99, 101 and 103 are amended, claims 104-148 are new and claims 4, 6-10, 12-15, 18-21, 26-49, 78, 79, 94 and 96 are canceled.

Claim 1 is amended to include the elements of now canceled claim 29 and claim 99 has been amended into independent form. New claims 104-146 recite similar subject matter to now canceled 4, 6-10, 12-15, 18-21, 26-49, 78, 79, 94 and 96, and are supported by the application as filed for similar reasons.

Applicants would like to thank Examiner Pulliam and SPE Abel-Jalil for their time and courtesy during the personal interview conducted with the undersigned on October 23, 2007. The following summarizes the topics discussed during the personal interview.

Claim 49 is objected to for minor informalities. This claim has been canceled, thereby rendering this objection moot.

Claims 1-4, 6-10, 12-15, 18-21, 26-50, 52-57, 59-61, 63, 64, 66, 67, 69, 72, 73, 75-79, 93, 94, 96, 97 and 99-103 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claims 1-46 of co-pending patent application no. 09/938,866.

This ground of rejection is respectfully traversed.

It is respectfully submitted that the double patenting rejection does not provide sufficient evidence to establish such a rejection. Specifically, as set forth in M.P.E.P. § 804 II. B. 1.:

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue >is anticipated by, or< would have been an obvious variation of >,< the invention defined in a claim in the patent.

The double patenting rejection identifies several elements recited in independent claim 1 of the present application and claim 1 of the '866 application. The rejection also notes that the '866 application and the present application both claim priority to the same three Japanese patent applications. There is not, however, any discussion of the two criteria set forth above. Because the Office Action does not make clear the two criteria set forth above, this rejection should be withdrawn.

Claims 1, 4, 6-10, 12-14, 18-21, 26-50, 52-57, 78, 96 and 100 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This ground of rejection is respectfully traversed.

Independent claim 1 has been amended to recite that the system includes a processor. During the personal interview the Examiner indicated that this amendment would overcome the rejection under 35 U.S.C. § 101, and accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-4, 6-8, 13-15, 18-21, 26-39, 59-61, 63, 64, 66, 67, 69-71, 78, 79, 93, 94, 96, 97 and 99-103 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination U.S. Patent No. 6,567,800 to Barrera et al. ("Barrera") and U.S. Patent No. 5,933,827 to Cole et al. ("Cole"). This ground of rejection is respectfully traversed.

Independent claim 1 is amended to recite "setting means for setting to save all the browsed data without any instruction by the user for each of the browsed data, wherein said saving means saves the browser client data when the browsing is operated to move to another URL." This element is not disclosed or suggested by the combination of Barrera and Cole.

As discussed during the personal interview, Barrera is directed to a system that *automatically* gathers and stores information using a *spider*. In

contrast, Applicants' claim 1 recites a system that operates on a web page *browsed by a browser client*. This distinction is further exemplified by the application of Barrera to the elements of now canceled claim 29.

Specifically, the Office Action cites column 4, lines 21-22 of Barrera as disclosing the elements of now canceled claim 29. This section of Barrera states "[i]n one embodiment, the Vspider is given the Uniform Resource Locator (URL) of a website." As would be recognized by one of ordinary skill in the art, a spider and a web browser are different, and one of ordinary skill in the art would not have interpreted a spider as a web browser. Furthermore, merely providing a URL to a spider does not disclose or suggest "setting to save all the browsed data without any instruction by the user for each of the browsed data, wherein said saving means saves the browser client data when the browsing is operated to move to another URL."

Independent claims 59, 60 and 93 each recite "acquiring web page data browsed by a browser client when said browser client newly browses the web page data." This web page data that is involved in the keyword extraction, assignment of indices and saving elements recited in these claims.

In contrast to a process that involves web page data that is newly browsed by browser client, Barrera is directed to a process involving a spider that *automatically gathers data*. As such, Barrera does not disclose or suggest

keyword extraction, assignment of indices and saving that involves web page data that is *newly browsed by a browser client*.

Cole discloses a system that can provide a user with a list of recently added web pages of interest in which a browser can display a list of web pages that were recently added to the web page cataloging system. Merely displaying a list of web pages to a user by way of a browser, however, does not disclose or suggest that web page data that is newly browsed by a browser client is involved in the keyword extraction, assignment of indices or saving recited in independent claims 59, 60 and 93. Accordingly, even if one of ordinary skill in the art would have been motivated to combine Barrera and Cole, such a combination would not disclose or suggest all of the elements of these claims.

Furthermore, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to modify Barrera and Cole in order to arrive at Applicants' claims 59, 60 and 93. Whereas Applicants' claims involve web page data that is newly browsed *by a browser client*, Barrera is directed to a system that *automatically* collects web page data. It is respectfully submitted that one of ordinary skill in the art would not have ignored the automatic data collection of Barrera in order to collect data based upon a process that involves manual browsing by a user. Furthermore, if the system of Barrera were so modified, it would require a relatively long time in order to obtain the data necessary for the search engine of Barrera. Clearly, one of ordinary skill in the

art attempting to build a search engine would desire that the information be collected as quickly and efficiently as possible, which would occur by using the spider disclosed by Barrera. This would not occur if the system of Barrera were modified to require a user to manually browse web pages in order to acquire web page data.

The combination of Barrera and Cole does not render claim 99 obvious because the combination does not disclose or suggest "receiving a save instruction from a user, wherein the indices are assigned to the web page data in said assigning step and the web page data is saved in said saving step when the save instruction is received." As discussed above, Barrera is directed to a system that uses a spider to automatically collect data, and one of ordinary skill in the art would not have been motivated to replace this technique with the claimed technique which requires receipt of a save instruction from a user.

Nevertheless, the rejection of claim 99 relies upon the disclosure in column 5, lines 17-19 of Barrera of storing a dynamic index that includes a list of identifiers for websites associated with a selected category. There is nothing in the cited section, however, disclosing or suggesting receipt of a save instruction from a user. Accordingly, even if Barrera and Cole were combined, the combination would not disclose or suggest the aforementioned element of claim 99.

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 1, 4, 6-10, 12-15, 18-21, 26-50, 52-57, 59-61, 63, 64, 66, 67, 69, 72, 73, 75-79, 93, 94, 96, 97 and 99-103 as being obvious in view of the combination of Barrera and Cole be withdrawn.

Claims 40-50, 52-57 and 75-77 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Barrera, Cole and U.S. Patent No. 6,081,829 to Sidana ("Sidana"). Claims 9, 10, 12, 72 and 73 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Barrera, Cole and U.S. patent No. 5,848,410 to Walls et al. ("Walls"). These grounds of rejection are respectfully traversed.

As discussed above, the combination of Barrera and Cole does not disclose or suggest all of the elements of independent claims 1, and one of ordinary skill in the art would not have been motivated to combine Barrera and Cole in the manner described in the Office Action. It is respectfully submitted that Sidana and Walls do not remedy the above-identified deficiencies of the combination of Barrera and Cole. Accordingly, it is respectfully requested that the rejection of the claims that depend from independent claims 1, be withdrawn.

New claims 104-146 are patentably distinguishable over the combination of Barrera and Cole at least by virtue of their dependency from claim 59. New claim 147 and 148 recite similar elements to those discussed above with regard


to claim 1, and are patentably distinguishable over the current grounds of rejection for at least those reasons discussed above.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #103251.58983US).

Respectfully submitted,

December 21, 2007



Stephen W. Palan
Registration No. 43,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
AMR:SWP
10037227v1